



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, Associate Planner

Date: April 28, 2016

Re: Cases ZB 2016-07 (SE) | Joel McCall | 2141 Holiday Ln

REQUESTS:

Case ZB 2016-07 (SE): A request for a Special Exception from the City of Franklin Zoning Ordinance, Article 3, Chapter 19, to allow light industrial assembly and distribution (embroidered apparel), in the MXR: Mixed-use Regional Center zoning district and the GW-OL: Gateway Overlay District. The property is located at 2141 Holiday Ln, and is 0.88 acre in size.

PURPOSE OF STANDARD:

The “MXR”, Mixed Use: Regional Center zoning district is intended to provide locations for a variety of business and institutional land uses that either serve a regional market, or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to appropriate transportation routes and other necessary infrastructure.

CONSIDERATIONS:

Proposed Use

1. Petitioner proposes to relocate his embroidered apparel business (Logo Shirts Direct) from Greenwood, to the subject property and the existing structure located at 2141 Holiday Lane. No changes are currently planned for the proposed structure, except moving in the embroidering equipment.
2. According to the petitioner, the business mainly involves the embroidering of logos onto various apparel items. Screen-printing of apparel is currently outsourced and would not occur at the proposed facility.
3. According to the petitioner, a vast majority of the business is conducted through online/phone orders. The orders are processed, embroidered, and packaged on-site; then, all orders are shipped out via typical parcel delivery services (e.g. UPS, FedEx, USPS).
4. Petitioner plans to provide a small “store front” at this location, but walk-ins are atypical for this business.
5. Due to the specifics known about the business and the use is not specifically listed in the zoning ordinance Land Use table, staff has determined the proposed use is most similar to the land use category “assembly & distribution.” More specific uses listed in this category, are “packaging facility,” “assembly facility,” and “printing/publishing facility.”
6. Distribution Facility is defined in the Zoning Ordinance as “a use where goods are received and/or stored for delivery to the final consumer at remote locations.”
7. Packaging Facility is defined in the Zoning Ordinance as “a facility that packages supplies and products that are manufactured off site.

8. Light Industrial assembly and distribution is listed as a Special Exception use in the “MXR” (Mixed-use: Regional Center) zoning district, and is listed as a permitted use in the “IBD” (Industrial Business Development), “IL” (Industrial, Light), and “IG” (Industrial, General) zoning districts.

Parking Requirements

9. Article 7, Chapter 10 of the Zoning Ordinance states “Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.”
10. According to Article 7, Chapter 10, Parking Standards:
 - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - Each employee working on the largest shift;
 - Each business vehicle stored on-site;
 - Every 300 square feet of retail area; and
 - Every 250 square feet of office area.
 - At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided.
 - Minimum parking stall size is 9’ x 18’ and must be striped.
 - Each parking space must be paved with asphalt or concrete.
11. Therefore, according to Article 7.10, the number of off-street parking spaces required for the proposed use are as follows:
 - Employees on largest shift (7): 7 spaces
 - Business vehicles (0): 0 spaces
 - Square footage of retail area (250 sq. ft.): 1 spaces
 - Square footage of office area (1,500 sq. ft.): 6 spaces
 - Disabled Persons spaces required: 1 spaces
 - **TOTAL SPACES REQUIRED: 14 spaces**
 - **TOTAL SPACES PROVIDED: 65 spaces**
12. At least one (1) space provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.

Comprehensive Plan

13. On the 2013 Franklin Comprehensive Plan Land Use Plan maps, the subject property falls on the line separating the “Light Industrial” and the “Regional Activity Center” land use areas.
14. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Light Industrial. “Light industrial areas include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw materials. Light industrial facilities generally do not produce emissions of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area.”
15. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Regional Activity Center. “Regional activity centers are intended to be similar to community activity centers, but on a scale that

serves people outside of the immediate Franklin area. Regional activity centers are designed in recognition of Franklin's role as a hub of commercial activity for some portions of Johnson County and its location along several major transportation routes. Regional activity centers are intended to provide for the goods and services needs of those passing through the Franklin area and traveling to Franklin for shopping and entertainment. Regional activity centers may include uses such as shopping centers, large-scale retailers and wholesalers, gas stations, hotels, and restaurants. Regional activity centers are designed to accommodate the needs of the automobile, however pedestrian travel should be integrated into this system through connections between individual businesses and with surrounding land uses."

Zoning Ordinance

16. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
17. According to Article 11.4: Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated (consistent with Section 2.5(L)).
18. According to Article 11.4: A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.

Surrounding Zoning:

North:	MXR: Mixed-use Regional Center
South:	IL, Industrial, Light
East:	MXR: Mixed-use Regional Center IL: Industrial, Light
West:	MXR: Mixed-use Regional Center

Surrounding Land Use:

North:	Vacant Commercial & Dukate Fine Remodeling
South:	O.C. Repair & Fabrication (Auto Repair)
East:	Formerly Affordable Dentures (Vacant) Storage Express (mini-warehouses)
West:	Formerly child daycare facility (Vacant)

ZB 2016-06 (SE)

CRITERIA FOR DECISIONS – SPECIAL EXCEPTIONS:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA – SPECIAL EXCEPTION

1. ***General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

Staff Finding:

Staff finds the approval of the special exception will not be injurious to the public health, safety, or general welfare of the community, as the proposed use would be permitted on the property immediately adjacent to the South. Furthermore, several of the adjacent properties, even including the subject property, have set vacant for several years; approval of the proposed use will not adversely affect the general vicinity in any way.

2. ***Development Standards: The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.***

Staff Finding:

The proposal will meet the development standards, as no changes are proposed to the existing development, and adequate parking is available.

3. ***Ordinance Intent: Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.***

Staff Finding:

The Mix-use, Regional Center zoning district intent states that the district is intended for a mixture of business land uses which serve a regional market, and that also require convenient access to high-volume transportation routes. Therefore, staff finds that the proposed use will not be contrary to the general purposes served by the Zoning Ordinance. Furthermore, the petitioner is not proposing any physical changes to the layout or construction of the existing facility; therefore, approval of the Special Exception will not permanently injure this property or other property in the same district or general vicinity.

4. ***Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.***

Staff Finding:

Staff further finds the granting of the special exception will not substantially interfere with the Comprehensive Plan, as the subject property is split by the line separating the “Light Industrial” and “Regional Activity Center” Land Use areas on the Comprehensive Plan Land Use maps. The proposed use closely aligns with the uses listed in both of those Land Use areas.

STAFF RECOMMENDATION – SPECIAL EXCEPTION

Based on the written findings above, staff recommends **approval with the following conditions:**

1. A minimum of fourteen (14) parking spaces, of which at least one (1) space be reserved for disabled persons, shall be maintained on-site, with appropriate pavement markings, per the requirements of the Zoning Ordinance parking standards.
2. Approval of this Special Exception shall run with the petitioner, and not the property.
3. Any expansion or enlargement of the use shall require Board of Zoning Appeals approval.
4. Where applicable, Improvement Location Permit(s) shall be obtained prior to construction/renovation.
5. All signage provided on the property shall require separate review and approval, upon submission of the sign permit applications and associated detailed renderings.